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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/941,893

08/28/2001

Martin Blaze

207275.0338
(CUNO-330.1)

7832

21832 7590 03/12/2003

CUMMINGS AND LOCKWOOD
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EXAMINER

OCAMPO, MARIANNE S

ART UNIT

PAPER NUMBER

1723

DATE MAILED: 03/12/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/941,893

Applicant(s)

BLAZE ET AL.

Examiner

Marianne S. Ocampo

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Applicants' claim for domestic priority under 35 U.S.C. 119(e) is acknowledged. However, the provisional application upon which priority is claimed fails to provide adequate support under 35 U.S.C. 112 for **claims 16 – 19 and 38 – 40** of this application. Since non-provisional applications cannot be CIP of a provisional application (see MPEP section 206.08), applicants are hereby notified that the subject matter presented by **claims 16 – 19 and 38 – 40** above do not get the benefit of an earlier filing date based on the US provisional patent application 60/228,590 (i.e. 8/29/00), but has an effective filing date of 8/28/01 (which is the filing date of this instant non-provisional application 09/941,893). The subject matter which is determined to be lacking support and therefore do not benefit from the earlier filing date of the US provisional application 60/ 228,590 is that of a filter assembly comprising at least one insert assembly sealingly engaged within the at least one outlet portion of the base member and comprising an upper surface which mates with the upper surface of the base member and a central aperture for sealing engagement with a center post assembly that has at least one filter disk engaged thereon and the central aperture providing a crevice-free flow path through the insert assembly, as in claims 16 and 38. Claims 17 – 19 and 39 – 40 further add features of the base member which has not also been disclosed in the US provisional application.

Information Disclosure Statement

2. The information disclosure statement filed 4-22-02 has been considered. However, the examiner has noticed that at the top right corner that the IDS should have at least 2 pages, however, only page 1 of 2 has been received and considered by the examiner. If this is a typographical error, please notify the examiner and if not, any references which have not been included in the copy of the IDS (paper no. 2) attached with this office action, have not been considered by the examiner.

Specification

3. The disclosure is objected to because of the following informalities:

a). Since non-provisional applications cannot be CIP of a provisional application, according to MPEP section 206.08, applicants should delete or amend the first sentence of the specification, page 1 under the heading "Cross Reference to Related Applicatins".

Appropriate correction is required.

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "70" has been used to designate both the split dome housing, as in the

specification, page 14, lines 9, 11 and 23 and in fig. 3, and the insert, as in the specification, page 14, line 31 and in figs. 6 and 10.

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the features of the attachment member being an eyebolt assembly having threads associated therewith for engaging corresponding threads formed on the first end portion of the center (elongated) post member, as in claims 6 & 29 and being a swivel hoist ring assembly having having threads associated therewith for engaging corresponding threads formed on the first end portion of the center (elongated) post member, as in claims 7 & 30, and the at least one aperture formed in the adapter member for providing flow passage through the adapter member being semi-circular (in shape) as in claims 14, 37 and 43, must be shown or the features should be canceled from the claims. **No new matter should be entered.** With regards to the semi-circular hole (49) formed in the adapter (40), as shown in Figs. 5A, 5B and 5D, this semi-circular hole does not provide a flow passage through the adapter member particularly when it is installed in the filter base member and actually is for engaging an anti-rotation pin (not shown), according to the specification, page 16.

6. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 5, 9, 13, 15 – 22 and 38 - 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Ogden et al. (US 3,528,554).

9. Regarding claim 1, Ogden et al. disclose an apparatus for handling filter disks (16) comprising a center post member (46) having first and second end portions, an attachment member (12, 42, 50, 56) operatively connected to the first end portion of the center post member (46) and including a means for facilitating lifting (i.e. the mounting bracket 56 with the head member 12) of at least one filter disk (16) from a first position (in filtration position within the housing 10) to a second position (away from the filter housing 10) and an adapter member (28, 31) operatively connected to the second end portion of the center post member (46) and supporting the at least one filter disk (16) which is operatively positioned relative to the center post member (46), as in fig. 4 and in cols. 2 – 3.

10. Concerning claim 5, Ogden et al. also disclose the first position being an installed position within a filter assembly/housing (10) in which fluid passes through the at least one filter disk (16) operatively positioned relative to the center post member (46) and the second position being a remote location exterior to the filter assembly (10) where the at least one filter disk (16) can be removed from the center post member (28) and replaced with at least one new filter disk thereon, as in col. 3.

11. With respect to claim 9, Ogden et al. further disclose the attachment member (46) having an outside diameter which is smaller than a central aperture formed in at least one filter disk (18) thereby (capable at least of) allowing the at least one filter disk (18) to be slid over the attachment member (46), as in fig. 4.

12. Regarding claim 13, Ogden et al. also disclose the adapter member (28) further comprising at least one aperture (30) formed therein for providing a flow passage through the adapter member (28), as in fig. 4 and in col. 2.

13. Concerning claim 15, Ogden et al. disclose at least one filter disk (topmost filter disk 16) being operatively positioned relative to the center post (46) by sliding the at least one filter disk (topmost filter disk 16) over the first/second end (i.e. free end nearest the tube/adaptor 28) of the center post member (46), as in fig. 4.

14. Regarding claim 16, Ogden et al. disclose a filter assembly comprising a housing (10) having an interior chamber (15), a central axis and a bottom/top (depending on orientation/ which is the open end) portion, a base member (12) having an opposed upper and lower surfaces and at least an inlet portion (52) and an outlet portion (50) and the upper surface (at lower end of 12 if the open end is considered the bottom portion of the housing 10) being operative to sealingly engage the bottom (open end/top) portion of the housing (10) and at least one insert assembly (14) sealingly engaged within at least one outlet portion (50, 46) of the base member (12) and the insert assembly (14) comprising an upper surface (34) which mates with the upper surface (42, in the vicinity of surface 44) of the base member (12) and a central aperture for sealing engagement with a center post assembly (28, 31, 46) that has at least one filter disk (16) engaged thereon and the central aperture providing a crevice free flow path through the insert assembly (14) when the center post assembly is disengaged therefrom thereby facilitating the cleaning of the interior chamber, as in fig. 4.

15. With regards to claim 17, Ogden et al. also disclose the upper surface (closest to the housing 10) of the base member (12) having a raised portion (having internal threads which mates with external threads of the housing wall 10) along located peripherally and lower portion (44) positioned adjacent the insert assembly (14), as in fig. 4.

16. Regarding claim 18, Ogden et al. further disclose the upper surface of the base member (12) having a transition (curved) portion between the raised and lower portions and the transition portion at an angle with respect to the lower portion, as in fig. 4.

17. Concerning claim 19, Ogden et al. disclose the upper surface of the base member (12) including a raised portion located along the periphery of the upper surface and a central region and the raised portion engaging with the bottom portion (i.e. the open end with external threads) of the housing (10) and connected to the central region by a concave surface, as in fig. 4.

18. With respect to claim 20, Ogden et al. further disclose the center post assembly comprising a center post member (46) having a first end portion and a second end portion, an attachment member (28) operatively engaged with the first end portion of the center post member (46) and including means (top end 31) for connecting the center post member (46) and disengaging from the at least one insert assembly (14) and an adapter member (42) operatively connected to the second end of the center post member (46) and supporting at least one filter disk (topmost filter disk 16) which is operatively positioned relative to the center post member (46) and the adapter member (42) sealingly engaging the central aperture of the insert assembly (14) via sealing member 34 of the insert assembly (14) when the center post assembly is in the installed position, as in fig. 4.

19. Regarding claim 21, Ogden et al. disclose the adapter member (42) having at least one circumferential groove (formed by surface 44) for receiving an O-ring (34) and facilitating the sealing engagement of the adapter member (42) with the central aperture of the insert assembly (14), as in fig. 4 and col. 3.

20. With regards to claim 22, Ogden et al. also disclose the adapter member (42) having at least one aperture (i.e. formed by the central aperture/bore which circumscribe and define the center post 46 and also surrounding the outer peripheries of the attachment member 28) formed therein for providing a flow passage through the adapter member (42) when the center post member (46) is in the installed position, as in fig. 4.

21. Concerning claim 38, Ogden et al. disclose a filter assembly comprising a housing (10) having an interior chamber (15), a central axis and a bottom portion (or top, depending upon its orientation, which is at the open end thereof), a base member (12) having opposed upper (here being defined by the examiner as the surface closest to and engaging the open end of the housing 10) and lower (opposing end surface to the "upper" surface which is closest to and engaging the housing 10) surfaces and at least an inlet portion (52) and an outlet portion (50) and the upper surface being operative to sealingly engage the bottom portion (i.e. open end) of the housing (10), at least one insert assembly (filter cartridge assembly, 14) sealingly engaged within the at least one outlet portion (44, 42, 46) of the base member (12) and the insert assembly (14) comprising an upper surface (in the vicinity of 34) which mates with the upper surface (44) of

the base member (12), a central aperture (70) for sealing engagement with a center post assembly (46, 28, 62) having at least one filter disk (16, 14) operatively positioned thereon, the central aperture (70) providing a crevice-free flow path through the insert assembly (14) when the center post (46) is disengaged therefrom thereby facilitating the cleaning of the interior chamber (15), at least one filter disk (16) having a central aperture operatively formed therein (i.e. in the filter assembly or housing) and the center post assembly comprising a center post member (46) having first and second end portions, an attachment member (31, 28) operatively connected to the first end of the center post member (46) for operatively connecting and disengaging the center post assembly from the at least one insert assembly (filter stack, 14) and an adapter member (42) operatively connected to the second end of the center post (46) for supporting the at least one filter disk (topmost filter disk 16 of the stack 14) when the at least one filter disk (topmost filter disk 16) is operatively positioned on the center post (46) and for sealingly engaging the central aperture (formed by the adapter member 42 and attachment member 28) when the central post member (46) is in the installed position in the housing (10), as in fig. 4.

22. Regarding claim 39, Ogden et al. also disclose the upper surface of the base member (12) being downwardly sloped toward the insert assembly (14), as in fig. 4.

23. With respect to claim 40, Ogden et al. further disclose the upper surface of the base member (12) including a raised portion (i.e. portion with internal threads for mating with

external threads at open end of housing 10) located along the periphery of the upper surface and a central region and the raised portion engaging the bottom portion (i.e. open end) of the housing (10) and connected to the central region by a concave surface, as in fig. 4.

24. With regards to claim 41, Ogden et al. disclose the adapter member (42) having at least one circumferential groove (formed by surface 44) for receiving an O-ring (34) and facilitating the sealing engagement of the adapter member (42) with the central aperture of the insert assembly (14), as in fig. 4 and col. 3.

25. Concerning claim 42, Ogden et al. disclose the adapter member (42) comprising at least one aperture (bore which circumscribe the center post member 46 and defined with attachment member 28) formed therein for providing a flow passage through the adapter member when the center post member (46) is in the installed position, as in fig. 4.

26. Claims 1 - 3, 5, 8, 12, 16, 20, 24 - 26, 28, 31, 35 and 38 - 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Tournaire (FR 2,460,154A). (Attached translated pages 1 - 4 of this document has been provided by the applicant as part of the IDS, Paper no. 2).

27. With regards to claim 1, Tournaire discloses an apparatus for handling filter disks/plates (1,2) comprising a center post member (C_1) having first and second end portions, an attachment member (10, 9) operatively connected to the first end portion of the center post

member (C₁) and the attachment member including a means for facilitating (in the form of a lifting eye/handle at the top thereof, 9) the lifting of at least one filter disk/plate from a first position (which is inside a filter housing) to a second position (away or above from the filter housing) and an adapter member (C₂, 11, 6) operatively connected to the second end portion (lower end) of the center post member wherein the adapter member (6, C₂) is capable of supporting at least one filter disk (lowermost filter disk/plate) which is operatively positioned relative to the center post member (C₁), as in figs. 1 – 7 and pages 1 – 6.

28. Concerning claim 2, Tournaire also discloses the apparatus further comprising a lifting device operatively connected to the attachment member (9) for vertically raising the handling apparatus such that the at least one filter disk/plate (1, 2) can be transported from the first position to the second position, as in fig. 5.

29. With respect to claim 3, Tournaire discloses the lifting device comprising a motor powered hoist, as in fig. 5.

30. Regarding claim 5, Tournaire also discloses the first position being an installed position (assembly) within a filter assembly in which fluid passes through the at least one filter disk (plate, 1, 2) operatively positioned relative to the center post member and the second position being in a remote location exterior to the filter assembly where the at least one filter disk

(plate) can be removed (disassembly) from the center post member and replaced with at least one new filter disk, as in pages 3 – 4 and fig. 5.

31. With regards to claim 8, Tournaire also discloses the attachment member comprising a lifting eye/handle (9) welded (i.e. attached) to the first end portion of the center post member (C₁), as in fig. 5.

32. Regarding claim 12, Tournaire discloses the adapter member (6) having female threads (i.e. internal threads) formed therein for operatively engaging corresponding male threads (external threads) formed on the second end portion of the center post member (C₁), as in figs. 6 – 7 and page 4.

33. Concerning claim 16, Tournaire discloses a filter assembly comprising a housing having an interior chamber, a central axis and a bottom portion, a base member having opposed upper and lower surfaces and at least an inlet portion and an outlet portion (14), the upper surface being operative to sealingly engage the bottom portion of the housing and at least one insert assembly sealingly engaged within the at least one outlet portion (14) of the base member and the insert assembly comprising an upper surface which mates with the upper surface of the base member and a central aperture for sealing engagement with a center post assembly (C₂, C₁) that has at least one filter disk/plate engaged thereon and the central aperture providing a crevice-free flow path through the insert assembly when the center post assembly (C₁) is disengaged from the

base member thereby facilitating the cleaning of the interior chamber, as in figs. 1 and 5 and pages 1 - 6.

34. With respect to claim 20, Tournaire further discloses the center post assembly comprising a center post member (C_1) having a first end portion and a second end portion, an attachment member (10, 9) operatively engaged with the first end portion (at the top end of the center post member (C_1) and including a means for connecting (10) to the center post assembly (C_2 , C_1) and disengaging from the at least one insert assembly, and an adapter member (6) operatively connected to the second end portion (bottom end) of the center post member (C_1) and supporting the at least one filter disk/plate (i.e. the lowermost filter plate in the block B) which is operatively positioned relative to the center post member and the adapter member sealingly engaging the the central aperture of the insert assembly when the center post assembly is in the installed position, as in figs. 5 - 7.

35. Concerning claim 24, Tournaire discloses a method for handling filter disks/plates from an initial position to a second position comprising the steps/acts of providing at least one filter disk/plate (1, 2), operatively positioning the at least one filter disk/plate onto a handling apparatus (B, C_1 , 6) wherein the handling apparatus comprising a center post member (C_1) having first and second end portions, an attachment member (10, 9) operatively connected to the first end portion of the center post member (C_1) and the attachment member including a means for facilitating (in the form of a lifting eye/handle at the top thereof, 9) the lifting of at least one

filter disk/plate from an initial position (which is inside a filter housing) to a second position (away or above from the filter housing) and an adapter member (C₂, 11, 6) operatively connected to the second end portion (lower end) of the center post member wherein the adapter member (6, C₂) is capable of supporting at least one filter disk (lowermost filter disk/plate) which is operatively positioned relative to the center post member (C₁), attaching a hoist device to the handling apparatus (B, C₁, 6) and vertically raising the handling apparatus and the at least one filter disk/plate in the block B and relocating the at least one filter disk/plate from the initial position (within the housing) to the second position (outside/above the base member of the housing), as in figs. 1 & 5 - 7 and pages 1 - 6.

36. Regarding claim 25, Tournaire further discloses an apparatus for handling filter disks/plates comprising an elongated post member (C₁) having first and second end portions, an attachment member (10, 9) operatively connected to the first (top) end portion of the elongated post member, the attachment member providing means (9) for facilitating the lifting of the handling apparatus from an installed position to a remote location and the installed position being when the handling apparatus is operatively positioned within a filter housing and the remote location being a location exterior of the housing, as in fig. 5 and an adapter member (6, C₂) operatively connected to the second (bottom) end portion of the elongated post member (C₁) and the adapter member supporting at least one filter disk (i.e. lowermost filter plate/disk) which is operatively positioned relative to the elongated post member and a lifting device (hoisting machine which connects to the hook/handle 9 of the attachment member) operatively connected

to the attachment member (9, 10) for vertically raising the handling apparatus such that the at least one filter disk/plate (or the whole stack of plates, B) can be transported from the installed position to the remote location, as in figs. 1 – 7 and pages 1 – 6.

37. With regards to claim 26, Tournaire also discloses the lifting device comprising a motor powered hoist, as in fig. 5.

38. Regarding claim 28, Tournaire discloses the remote location is where at least one filter disk/plate can be removed (dismantled) to be cleaned and if damaged, can be replaced with a new filter disk, as in pages 1 – 4 and fig. 5.

39. Concerning claim 31, Tournaire further discloses the attachment member comprising a lifting eye/hook (9) welded (i.e. affixed) to the first end portion of the elongated post member (C₁), as in fig. 5 and page 4.

40. With respect to claim 35, Tournaire discloses the adapter member (6) having female threads (internal threads for screwing) for operatively engaging with corresponding male threads (external threads) formed on the second end portion of the elongated post member (C₁), as in page 4 and fig. 6.

41. Regarding claim 38, Tournaire discloses a filter assembly comprising a housing having an interior chamber, a central axis and a bottom portion, a base member having opposed upper and lower surfaces and at least an inlet portion and an outlet portion (14), the upper surface being operative to sealingly engage the bottom portion of the housing and at least one insert assembly sealingly engaged within the at least one outlet portion (14) of the base member and the insert assembly comprising an upper surface which mates with the upper surface of the base member and a central aperture for sealing engagement with a center post assembly (C₂, C₁) that has at least one filter disk/plate engaged thereon and the central aperture providing a crevice-free flow path through the insert assembly when the center post assembly (C₁) is disengaged from the base member thereby facilitating the cleaning of the interior chamber, at least one filter disk/plate having a central aperture operatively formed therein and a center post assembly comprising a center post member (C₁) having a first end portion and a second end portion, an attachment member (10, 9) operatively engaged with the first end portion (at the top end of the center post member (C₁) and including a means for connecting (10) to the center post assembly (C₂, C₁) and disengaging from the at least one insert assembly, and an adapter member (6) operatively connected to the second end portion (bottom end) of the center post member (C₁) and supporting the at least one filter disk/plate (i.e. the lowermost filter plate in the block B) which is operatively positioned on the center post member and the adapter member sealingly engaging the the central aperture of the insert assembly when the center post assembly is in the installed position, as in figs. 1 and 5 and pages 1 - 6.

42. Concerning claim 39, Tournaire discloses the upper surface of the base member being downwardly sloped towards the insert assembly, as in figs. 5 – 6.

Claim Rejections - 35 USC § 103

43. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

44. Claims 10 – 11, 14, 23 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogden et al.

45. With regards to claims 10 - 11, Ogden et al. disclose the adapter member (which is the tube 28 in this particular embodiment) being configured to support *a plurality* of filter disks (16), which include a number of at least 14 filter disks (claim 10), and even, at least 56 filter disks (claim 11), as in col. 2 and fig. 4. It is considered obvious to one of ordinary skill in the art at the time of the invention that the exact number of filter disks to be supported by the adapter member would depend upon the choice of the manufacturer and requirements of the application

(i.e. amount of fluid to be filtered therethrough), as well as thickness of each filter disk, overall length of the adapter member and size of the housing.

46. Concerning claims 14, 23 and 43, Ogden et al. do not teach/disclose the shape of the at least one aperture defined by the adapter member being semi-circular. The case law, *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966), provided (The court held) that the configuration of the claimed invention (the adapter having at least one aperture which is semi-circular in shape) was a matter of choice which a person of ordinary skill in the art would have found obvious absent persuasive evidence that the particular configuration of the claimed invention was significant. In this particular instance, the shape of the aperture defined by the adapter member would depend not only on the choice of the manufacturer and (cross-sectional) shape of the adapter member and flow characteristics therethrough. A semi-circular shape for the aperture instead of a conventional circular one (taught by Ogden et al.) could be chosen if flow is to be restricted or divided as it passes through the adapter member, thereby slowing down a bit the discharging of the filtered fluid from the filter assembly, compared to a conventional circular aperture/flow passage.

47. Claims 4 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tournaire in view of Litwiller (D349,996) or Broyden et al. (US 4,635,903).

48. Regarding claims 4 and 27, Tournaire fails to disclose the lifting device comprising a manually operated chain hoist. It is well known in the art of handling and transporting articles, including those for handling and transporting filter disks in stacked arrangement (such as the one taught by Tournaire) that hoists or lifting devices come in different forms and there are those available which are electrically (motor) powered and those which are manually operated chain hoists. The type and choice of lifting device to be used with a particular handling and transporting of articles, depends on the user and the weight of the load [i.e. in this case the overall weight of the disks in the stack arrangement plus its handling assembly (i.e. the center post and attachments)]. If the weight is not too much, then a normal operator/person can probably hoist it up with a manually operated chain hoist. However, if the load is too much, an electrically/motor powered hoist would be the desirable choice. Furthermore, using a manually operated chain hoist versus a motor powered hoist as a lifting device would save the user some (electric) power costs but on the other hand would require a reliable and abled (strong) person to operate a manually operated chain hoist. There are also two different types of manually operated chain hoists. One, which is taught by Litwiller (996), involves merely hooking up the attachment member to the hook/ring end of the chain hoist and the operator cranks up the handle portion for pulling up the end of the chain hoist, as in figs. 7 – 8. Alternatively, a much improved and better manually operated chain hoist would be the one taught by Broyden et al. (903), in which it involved the operator turning on switches which in turn raises and lowers the chain hoist that lifts or lowers the load (which in this case would be a stack of filter disks and its handling apparatus/center post and attachment). The manually operated chain hoist taught by Broyden et

al. is considered a better and improved lifting device because it does not require a lot of physical strength to operate the chain hoist and the operator can precisely raise the load to a particular height without worrying about accidentally dropping the load.

49. Claims 6, 9, 29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tournaire in view of Whitfield (US 3,900,400).

50. With regards to claims 6 and 29, Tournaire fails to disclose an attachment member being an eyebolt assembly with threads associated therewith for engaging with corresponding threads formed on the first end portion of the center post member. Whitfield teaches a lifting attachment member being in the form of an eyebolt assembly (111, 112) having threads associated therewith for engaging corresponding threads which may be formed on a first end portion (which would be for mating with) of a center post member (60) which supports or has at least one filter (in the form of a disk or in tubular form) thereon, as in figs. 1 – 3 and cols. 3 - 4. It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the attachment member of the apparatus/filter assembly of Tournaire, in lieu of the attachment member taught by Whitfield, in order to provide an alternative design and provide an attachment member which is removable thereby allowing complete disassembly of the apparatus for cleaning and replacement thereof, if necessary. It is considered obvious that after several or long use of the lifting attachment member with the lifting device that the attachment member would either become damaged or simply deteriorate as time passes. It would be more cost-efficient to

replace an attachment member which is removable (such as the one taught by Whitfield) than replacing the entire handling apparatus of Tournaire.

51. Concerning claims 9 and 32, Tournaire fails to disclose the attachment member has an outside diameter which is smaller than a central aperture formed in the at least one filter disk thereby allowing the at least one filter disk to be slid over the attachment member. Whitfield teaches the attachment member (111,112) having an outside diameter which is smaller than a central aperture (formed by central tube 96) formed in the at least one filter disk/element thereby allowing the at least one filter disk/element to be slid over the attachment member (111, 112), as in figs. 2 – 3. It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the attachment member of Tournaire by substituting it with the one taught by Whitfield in order to provide an attachment member which enables easy assembly and disassembly of filter elements/disks disposed on a center post member attached therewith, thereby making the changing and replacement of those dirty/damaged filter elements/disks a lot quicker and easier.

52. Claims 10 – 11, 13 – 14, 33 – 34 and 36 – 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tournaire

53. Concerning claims 10 – 11 and 33 – 34, Tournaire disclose the adapter member (6 with C₁ and C₂) being configured to support *a plurality* of filter disks (plates to form the

filtration block B), at least 3 – 7 is shown in figs. 1 – 2, and it is considered that a plurality (which is more than one) includes a number of at least 14 filter disks (claims 10 and 33), and even, at least 56 filter disks (claims 11 and 34), as in pages 1 - 4. It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the number of filter disks/plates and that the exact number of filter disks to be supported by the adapter member would depend upon the choice of the manufacturer and requirements of the application (i.e. amount of fluid to be filtered therethrough), as well as thickness of each filter disk, overall length of the adapter member and weight/load that it could carry/support and size of the housing.

54. With regards to claims 13 - 14 and 36 – 37, although Tournaire do not disclose explicitly the adapter member (6) having at least one aperture which is semi-circular for providing a flow passage therethrough when the center post member is in the installed position, it is considered obvious to one of ordinary skill in the art that there has to be at least one aperture (i.e. one that is formed by the edges of the adapter member with the inner surfaces of the insert assembly (conduit by the outlet portion at the base member), which may have a cross-sectional shape which is almost semi-circular or circular when the center post member (C₁) is in the installed position, allowing fluid flow (i.e. forming a flow passage) therethrough and out towards the outlet (14), as in figs. 5 and 7. The case law, *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966), provided (The court held) that the configuration of the claimed invention (a disposable plastic nursing container) was a matter of choice which a person of ordinary skill in the art would have found obvious absent persuasive evidence that the particular configuration of

the claimed invention was significant. In this instance, there is no persuasive evidence in the applicant's specification that a semi-circular shape for the flow passage aperture formed in the adapter member being significant (see pages 8 and 16 of the specification), and therefore, considered to be a matter of choice of design/shape to form the at least one aperture formed in the adapter member to be semi-circular.

Conclusion

55. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patents 3,680,706 (Baer et al.), 2,757,802 (Schmid), 2,353,433 (Auberschek), D438,684 (Hernandez), DE 3,829,213 (Wirtz) and WO publications 93/09054 (McQuaid) and 99/19041 (Diemer).


56. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marianne S. Ocampo whose telephone number is (703) 305-1039. The examiner can normally be reached on Mondays to Fridays from 8:00 A.M. to 4:30 P.M..

57. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on (703) 308-0457. The fax phone numbers for the

Art Unit: 1723

organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

58. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


M.S.O.
March 6, 2003


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